

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL,  
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, AND SPECIAL  
JOINT HOUSING AUTHORITY MEETING**

**February 18, 2014**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 5:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

Council Members Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan

Council Members Absent: None

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE**

**CLOSED SESSION**

The City Council recessed into Closed Session at 5:00 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.
2. Conference with legal counsel regarding existing litigation: John Doe v. City of Costa Mesa, District Court for the Central District of California, Case No. SACV12-1665-AG(RNBx), pursuant to California Government Code Section 54956.9(a).
3. Conference with legal counsel regarding existing litigation: Acosta v. City of Costa Mesa, et al, Case No. SACV06-233 DOC (MLGx), 9th Cir. Case # 10-56854, pursuant to California Government Code Section 54956.9(a).
4. Conference with legal counsel regarding existing litigation: City of Costa Mesa, et al v. Michael Cohen, et al, Sacramento County Superior Court, Case No. 34-2013-80001675, pursuant to California Government Code Section 54956.9(a).

The City Council reconvened at 6:00 p.m.

**CALL TO ORDER (00:00:10)**

**PLEDGE OF ALLEGIANCE (00:00:30)** – Mayor Righeimer

**MOMENT OF SOLEMN EXPRESSION (00:01:00)** –

Pastor Tim McCalmont, Presbyterian Church of the Covenant

**ROLL CALL (00:03:20)**

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan.

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Rick Francis, Assistant Chief Executive Officer/Administrative Director Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

**CLOSED SESSION REPORT (00:03:35) - None**

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – None

**ANNOUNCEMENTS (00:03:50)**

"Costa Mesa Minute" was played featuring upcoming events and activities in the community.

**PRESENTATIONS (00:05:50) - NONE**

**PUBLIC COMMENTS (00:06:40)**

Beth Refakes, Costa Mesa, inquired on the status of a Veteran's hall; commented on converting the Neighborhood Community Center (NCC) to a library; and expressed concern with having no meeting place for the Veteran's group. (00:07:37)

Speaker, spoke on a Court case against the Police. (00:09:34)

Robin Leffler, Costa Mesa, spoke on items being placed on the Consent Calendar; the budget; and thanked Fire and Police personnel for the way they handled a situation. (00:11:55)

Tim Lewis, Costa Mesa, spoke to a business issue on his property. (00:14:20)

Greg Thunnel, Costa Mesa, spoke on a political ad. (00:17:17)

James Bridges, Costa Mesa, spoke on the public comment section; Committee meetings; and the Neighborhood Task Force. (00:20:30)

Cindy Brenneman, Costa Mesa, spoke on the release of the 60<sup>th</sup> Anniversary documents; and requested a formal meeting on the 60<sup>th</sup> Anniversary event. (00:23:25)

Al Melone, Costa Mesa, spoke on the budget, deficits and surpluses. (00:26:10)

Lent Redman, Costa Mesa, spoke on a development from Hamilton to Charlie; and the irrigation. (00:29:20)

Sue Lester, Costa Mesa, asked for clarification on public comments; and spoke on the 60<sup>th</sup> Anniversary Committee event. (00:32:53)

### **COUNCIL MEMBER'S REPORTS, COMMENTS, AND SUGGESTIONS (00:35:45)**

Mayor Righeimer spoke on the quality of Costa Mesa employees; the Senior Center; and the Workers Compensation report. (00:35:55)

Mayor Pro Tem Mensinger spoke regarding money allocated for sidewalk and curb replacements; and thanked Mr. Redman for his son's community service. (00:40:15)

Council Member Genis spoke on the drought conditions. (00:41:25)

Council Member Leece spoke on the tree removal petition approved by the Planning Commission; the homeless; a Basketball tournament on March 15<sup>th</sup>, 2014 from 11:00 a.m. to 3:00 p.m.; the 60<sup>th</sup> Anniversary event documents; space for teen programs; requested to pull item nine; and on the memo by CEO Hatch regarding budget policies. (00:43:00)

Council Member Monahan – None (00:49:34)

### **REPORT- CHIEF EXECUTIVE OFFICER (CEO) (00:49:50)**

Chief Executive Officer Hatch spoke on the budget and reserves; expanding the library; Worker Compensation issues; City Youth programs; the Costa Mesa Community Improvement Program; and the softball and flag football programs.

### **CONSENT CALENDAR (01:12:10)**

**MOTION:** Approved recommended actions for Consent Calendar Item Nos. 1 through 9 except for Item 9.

**MOVED/SECOND:** Mayor Pro Tem Mensinger/Council Member Leece

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

**ACTION:**

City Council waived reading in full of Ordinances and Resolutions and approval and adoption of same by reading title only.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Jim Eckis; Bryan Meisner; and Adelaide Garulle.

**ACTION:** Received and filed.

3. **WARRANT RESOLUTION 2509: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-02 "A" AND 14-03 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-02 "A" for \$-113.10, Payroll No. 14-03 for \$1,995,329.60 and City operating expenses for \$1,289,244.38.**

**ACTION:** Approved Warrant Resolution No. 2509, to be read by title only and further reading waived.

4. **PROJECT SPECIFIC PROGRAM SUPPLEMENTS TO THE MASTER AGREEMENT NO. 00144S – STATE FUNDED PROJECTS: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES TO SIGN PROGRAM SUPPLEMENT AGREEMENTS TO THE ADMINISTERING AGENCY-STATE AGREEMENT NO. 00144S FOR STATE FUNDED PROJECTS".**

**ACTION:**

City Council adopted Resolution No. 14-07, to be read by title only and further reading waived, authorizing the Public Services Director to execute all Project Specific Program Supplements to the Administering Agency – State Agreement No. 00144S for State Funded Projects.

**5. PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS-NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS**

**ACTION:**

1. City Council awarded a contract to Onward Engineering, Corp., 300 S. Harbor Blvd., Suite 814, Anaheim, California 92805, in an amount not to exceed \$200,000 to provide Project/Construction Management and Public Works Inspection staff support as-needed for various Capital Improvement Program (CIP) projects, and authorized the Mayor and the City Clerk to execute the Professional Services Agreement; and
2. Awarded a contract to Civil Source, Inc., 9890 Irvine Center Drive, Irvine, California 92618, in an amount not to exceed \$200,000 to provide Project/Construction Management and Public Works Inspection staff support as-needed for various Capital Improvement Program (CIP) projects, and authorized the Mayor and the City Clerk to execute the Professional Services Agreement.

**6. AMENDMENT THREE TO THE PROFESSIONAL SERVICES AGREEMENT WITH KEYSER-MARSTON ASSOCIATES CONSULTING**

**ACTION:**

1. City Council, Successor Agency to the Redevelopment Agency and Housing Authority approved Amendment Three, revising existing cap of \$140,000 not to exceed \$200,000 to the Professional Services Agreement with Keyser Marston Associates (KMA) Consulting; and
2. Authorized the City Chief Executive Officer to sign Amendment Three to the Professional Services Agreement with KMA Consulting.

**7. RECOGNIZE AND ALLOCATE HOME PROGRAM INCOME**

**ACTION:**

1. City Council, Successor Agency to the Redevelopment Agency and Housing Authority recognized \$247,050 in HOME program income funds and allocated these funds for HOME Administration and the HOME Single Family Rehabilitation Program; and
2. Authorized the City Chief Executive Officer to appropriate any additional HOME program income for FY 2013-2014; and
3. Approved Budget Adjustment No. 14-025 in the amount of \$247,050 to increase revenue and appropriate HOME program income fund to Housing and Community Development's operating budget.

**8. RIMINI STREET ORACLE/PEOPLESOFT SUPPORT SERVICES CONTRACT**

**ACTION:**

City Council authorized the City CEO or his designee to sign the Master Services Agreement and Purchase Requisition for \$110,338 with Rimini Street Incorporated to replace Oracle Corporation in providing support for the City's Oracle/PeopleSoft products.

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) - NONE**

**OLD BUSINESS – NONE**

**NEW BUSINESS (01:12:30)**

- 1. CITY COUNCIL AND SUCCESSOR AGENCY APPROVAL OF: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING AN AGREEMENT TO RE-ESTABLISH LOAN PURSUANT TO SECTION 34191.4 BY AND BETWEEN THE CITY OF COSTA MESA AND THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY” AND “A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY APPROVING AN AGREEMENT TO RE-ESTABLISH LOAN PURSUANT TO SECTION 34191.4 BETWEEN THE CITY OF COSTA MESA AND THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY; DIRECTING SUBMITTAL OF SUCH LOAN AGREEMENT TO THE OVERSIGHT BOARD TO CONSIDER THAT THE LOAN AGREEMENT WAS FOR LEGITIMATE REDEVELOPMENT PURPOSES; AND MAKING OF THE FINDING IN CONNECTION THEREWITH”. (01:13:00)**

Staff report provided by Special Counsel Celeste Brady. (01:13:15)

Discussion ensued regarding the loan; the ROPS schedule; and payment of enforcement obligations. (01:16:11)

**MOVED/SECOND:** Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

1. City Council adopted Resolution No. 14-08, to be read by title only and waived further reading, approving an Agreement to Re-Establish Loan between the City of Costa Mesa and the Successor Agency to the Costa Mesa Redevelopment Agency following the obtaining of a Finding of Completion Pursuant to Section 34191.4 of the Dissolution Laws.

**MOVED/SECOND:** Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

2. Successor Agency adopted Resolution No. 14-09, to be read by title only and waived further reading, approving Agreement to Re-Establish Loan between the City of Costa Mesa and the Successor Agency to the Costa Mesa Redevelopment Agency following the obtaining of a Finding of Completion Pursuant to Section 34191.4 of the Dissolution Laws; Directing Submittal of such Loan Agreement to the Oversight Board to Consider and Find that the City/Agency Loan was for legitimate Redevelopment Purposes; and making other findings in connection therewith.

2. **REVIEW AND APPROVAL OF THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET FOR THE 14-15A SIX-MONTH FISCAL PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014: "A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY APPROVING THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET FOR THE 14-15A SIX-MONTH FISCAL PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014 PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(j)".**  
(01:19:00)

**MOVED/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

Successor Agency adopted Resolution No. 14-10, to be read by title only and waived further reading, approving the Successor Agency's Administrative Budget for the 14-15A six-month fiscal period of July 1, 2014 to December 31, 2014 pursuant to Health and Safety Code Section 34177(j) of the Dissolution Laws.



3. **REVIEW AND APPROVAL OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 14-15A SIX-MONTH FISCAL PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014: "A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 14-15A FOR THE SIX-MONTH FISCAL PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014, SUBJECT TO SUBMITTAL TO, AND REVIEW BY THE OVERSIGHT BOARD AND THE DOF PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 24, PART 1.85, AS AMENDED BY ASSEMBLY BILL 1484; AUTHORIZE POSTING AND TRANSMITTAL THEREOF". (01:19:25)**

**MOVED/SECOND:** Council Member Leece/Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

Successor Agency adopted Resolution No. 14-11, to be read by title only and waive further reading, approving the Recognized Obligation Payment Schedule for the 14-15A six-month fiscal period of July 1, 2014 to December 31, 2014 ("ROPS 14-15A"), subject to submittal to and review by the Oversight Board and then by the State Department of Finance ("DOF"). Further, the Assistant Finance Director, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s) with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

4. **PROFESSIONAL SERVICES AGREEMENT FOR PURCHASE AND INSTALLATION OF EMERGENCY VEHICLE PREEMPTION (EVP) SYSTEM (01:19:44)**

Staff report provided by Fire Chief Dan Stefano. (01:20:10)

Discussion ensued on increasing the number of intersections for signal preemption; Fire Station number 6; paramedics and rescue ambulances; grant funding; and personnel savings. (01:22:10)

Beth Refakes, Costa Mesa, spoke in support of this item. (01:27:14)

**MOVED/SECOND:** Council Member Monahan/Mayor Righeimer (01:29:15)

Discussion ensued regarding cost sharing of signal preemption from the City of Santa Ana; implementing the plan; and emergency vehicles. (01:29:30)

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

1. City Council awarded a Professional Services Agreement for the purchase and installation of Emergency Vehicle Preemption (EVP) devices utilizing Global Traffic Technologies (GTT) Global Positioning System (GPS) technology at 25 intersection locations, in 20 fire department emergency vehicles and integrating the equipment in a central system located at the Traffic Management Center (TMC) through DDL Traffic, Inc. in the amount of \$234,236.60 (inclusive of sales tax); and
2. Authorized the Mayor to execute the Professional Services Agreement.
5. **SUMMER YOUTH PROGRAM: ESTABLISH CITY PARTICIPATION WITH EXISTING YOUTH SUMMER RECREATION PROGRAM IN PARTNERSHIP WITH NEWPORT-MESA UNIFIED SCHOOL DISTRICT (01:33:45)**

Staff report provided by CEO Hatch. (01:34:10)

Discussion ensued on marketing of the program. (01:39:50)

Council Member Genis spoke in support of the program. (01:44:29)

Mayor Pro Tem Mensinger spoke in support of fundraising for the arts. (01:45:15)

**MOVED/SECOND:** Council Member Genis/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

City Council approved the summer youth program and directed staff to establish participation with an existing youth summer recreation program in partnership with the Newport-Mesa Unified School District and authorized funding to be included in the FY 2014-2015 budget.

6. **FIRST READING OF THE ORDINANCE PROVIDING FOR REWARDS FOR INFORMATION LEADING TO THE APPREHENSION OF VANDALS (01:45:40)**

Staff report provided by CEO Hatch. (01:46:00)

Mr. Redman, spoke on current vandalism in the Hamilton community garden. (01:47:10)

**MOVED/SECOND:** Council Member Genis/Council Member Leece

Council Member Genis pledged individuals to report vandalism at Fairview Park. (01:48:30)

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

City Council approved for first reading, Ordinance No. 14-02, to be read by title only and waived further reading, regarding rewards for information leading to the apprehension of individuals who vandalize public property.

7. **REPEAL OF COSTA MESA MUNICIPAL CODE CHAPTER XIII SEX OFFENDER PARK EXCLUSION ORDINANCE (01:49:11)**

Staff report provided by City Attorney Thomas Duarte. (01:49:20)

**MOVED/SECOND:** Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

City Council approved for first reading, Ordinance No. 14-03, to be read by title only and waived further reading.

## ITEMS REMOVED FROM THE CONSENT CALENDAR (01:50:30)

### 9. FISCAL YEAR 2013-14 MID-YEAR BUDGET REPORT (01:50:40)

Discussion ensued on the allocation of contingency funds; the journal entry for the community foundation; the fund balance and reserves; the pocket park playground; charter facilitation; teen centers; and funding for the library. (01:51:25)

Cindy Brenneman, Costa Mesa, spoke on the Kaboom projects; and spoke on the general fund. (02:01:45)

Robin Leffler, Costa Mesa, expressed concern on not having a Public Hearing and a Presentation for this item. (02:03:45)

**MOVED/SECOND:** Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

#### **ACTION:**

1. City Council approved the recommended uses of the remainder of the FY 2012-13 surplus as follows:
  - a. Increased the Information Technology budget by \$758,770 for the remainder of the infrastructure backbone project (general fund portion) and approved this as a budgeted expense rather than a non-interest bearing loan as originally planned; and
  - b. Increased the General Fund transfer to the Capital Improvement Program Fund by \$300,000; and
  - c. Saved the remaining \$1,568,000 in General Fund balance; and
2. Approved the recommended increase of the FY 2013-14 General Fund revenue budget by \$1,900,000 and increased the FY 2013-14 General Fund appropriations by \$1,568,000; and
3. Approved the allocation of appropriations from the General Fund contingency account to the General Fund departments/projects including the final \$18,717.03 transfer to the Costa Mesa Community Foundation; and
4. Adjusted the budgets of certain non-General Funds as follows:
  - a. Adjusted the Capital Improvement Projects Fund for the Council Chambers audio/visual equipment upgrade; and
  - b. Adjusted the Narcotic Asset Forfeiture Fund; and
  - c. Adjusted the budgets of the Measure M2 Funds 415 and 416; and

- d. Established the new Nuisance Abatement Relocation Assistance Fund as directed by the City's Public Nuisance Abatement Ordinance Section 20-32(b).

**CONTINUED PUBLIC COMMENTS - NONE**

**COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - NONE**

**REPORT – CITY ATTORNEY - NONE**

**ADJOURNMENT (02:04:40)**

The Mayor adjourned the meeting at 8:04 p.m.

\_\_\_\_\_  
MAYOR

*Brenda Green*

\_\_\_\_\_  
CITY CLERK